

Application No.: 10/666,184
Filing Date: September 17, 2003

REMARKS

The Office Action of November 30, 2007 was based on claims 1-51 as originally filed. Amendments are made in this Response to claims 1, 6-8, 20, 31, 34, and 49 to correct typographical errors and to particularly point out and distinctly claim what the Applicant regards as the invention. Claims 1-51 remain pending and are respectfully submitted for further consideration.

In the Office Action, the Examiner rejects claims 1-51 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 6-12 of U.S. Patent 6,637,030. The Applicant notes the Examiner's rejection of claims 1-51 and will consider subsequent filing of a terminal disclaimer should the claims be found otherwise allowable and should the amendments and remarks of this paper not otherwise overcome the obviousness-type double patenting rejection.

The Examiner also rejects claims 1-6, 13, 15-33, 42, and 45-51 35 U.S.C. §103(a) as being unpatentable over Freadman, U.S. Patent 6,288,749 in view of Decker, et al., U.S. Patent 6,009,465. The Applicant has reviewed both the Freadman and Decker, et al. references and notes the following differences between the Freadman and the Decker, et al. references and the Applicant's claimed invention. The Applicant notes that Freadman describes a remotely controlled television display system that converts output signals originating from a computer to video signals that can be displayed on one or more television sets. Freadman further describes a signal converter that preferably includes suitable signal processing hardware and/or software such as a comb filter for preventing signals output from the computer from being transmitted back out to the television broadcast source. The Freadman signal converter also preferably includes a notch filter for allowing selected television signals to be transmitted therethrough and for attenuating at least one input channel frequency so as to prevent signals having the selected input channel frequency from being transmitted from the signal converter. (See Col. 2, lines 15-24).

Thus, Freadman explicitly describes uni-directional communication from the computer 10 through the signal converter 20 to the one or more televisions 30. Freadman also explicitly describes that communication from the external television broadcast source 100 is also uni-directional towards the Freadman system and the comb filter 61 is provided for preventing

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signals output from the computer from being transmitted back out through the signal feed 21. (See Col. 3, lines 50-53).

In contrast, embodiments of the Applicant's invention include the aspects of a frequency converter, coupled to a coaxial cable and configured to receive signals from a tree configuration at a first frequency and to forward said signals within said tree configuration at a second frequency, wherein said first and second frequencies are within said filtered out portion. Additional embodiments of the Applicant's invention include the aspects of a notch filter configured to receive a signal from a cable television transmission system and to filter out at least one portion of said signal in the range of approximately 50 megahertz to approximately 750 megahertz to produce a filtered signal and to transmit upstream signals to the cable television transmission system.

The Applicant respectfully notes that Freadman explicitly teaches away from at least certain aspects of the Applicant's claimed invention. The Applicant further notes that while Decker et al. discloses the aspect of transmitting data over coaxial cable, the combination of Freadman and Decker, et al. fails to describe or even suggest the full combination of features in the Applicant's claimed invention. The Applicant believes that the ordinary artisan at the time of invention would not have found it obvious to arrive at the Applicant's claimed invention considering the disclosures of Freadman and Decker, et al. and considering the level of ordinary skill and the nature of the problems addressed. The Applicant thus believes that claims 1-6, 13, 15-33, 42, and 45-51 as currently amended are patentable under the requirements of 35 U.S.C. §103(a) in view of Freadman and Decker, et al. and respectfully requests that the rejection be withdrawn.

The Examiner also rejects claims 7-9, 12, 14, 34, 35, 38-41, 43, and 44 under 35 U.S.C. §103(a) as being unpatentable over Freadman in view of Decker, et al. and further in view of Coutinho, U.S. Patent 5,760,822. The Applicant has reviewed the Coutinho '822 reference and notes that Coutinho describes methods and devices to support a communication system on a single cable line to support signal transmission between receiving devices such as televisions and transmitting devices such as video cassette recorders. Coutinho describes a modulator for frequency shifting in signal and an upstream return path for data transmitted from the house 202 as noted by the Examiner. However, the Applicant respectfully notes that Coutinho also fails to

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describe at least certain aspects of the Applicant's claimed invention including but not limited to those deficiencies previously identified with respect to the Freadman and Decker, et al. references. The Applicant thus believes that claims 7-9, 12, 14, 34, 35, 38-41, 43, and 44 are patentable under the requirements of 35 U.S.C. §103(a) in view of Freadman, Decker, et al., and Coutinho. The Applicant respectfully requests that the rejection of these claims under 35 U.S.C. §103(a) be withdrawn.

The Examiner further rejects claims 10, 11, 36, and 37 under 35 U.S.C. §103(a) as being unpatentable over Freadman, in view of Decker, et al., further in view of Coutinho and further in view of Hendricks, et al., U.S. Patent 6,738,978. As noted by the Examiner, Hendricks, et al. does describe receiving digital data from the Internet and FM audio signals. However, the Applicant respectfully notes that Hendricks, et al. also fails to describe at least certain aspects of the Applicant's claimed invention including but not limited to those deficiencies previously identified with respect to the Freadman, Decker, et al., and Coutinho references. The Applicant thus believes that claims 10, 11, 36, and 37 are patentable under the requirements of 35 U.S.C. §103(a) in view of Freadman, Decker, et al., Coutinho, and Hendricks, et al. The Applicant respectfully requests that the rejection of these claims under 35 U.S.C. §103(a) be withdrawn.

No Disclaimers or Disavowals

Although the present communication includes alterations to the claims and characterizations of claim scope and referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Atty. Docket No.	Title	Filed
08/872,010 now USPN 6,637,030	MTIPAT.046DV1	BROADBAND CABLE TELEVISION AND COMPUTER NETWORK	06-10-1997
08/840,083	MTIPAT.046A	BROADBAND CABLE TELEVISION AND COMPUTER NETWORK	04-09-1997

Copies of the patents, applications, and pending claims, including any office actions and allowances, are available through PAIR. However, if the Examiner so requests, Applicant will be happy to provide the Examiner with copies of any patents, applications, pending claims, office actions, allowances, or any other documents, at any time.

The Applicants believe that the subject Application is in a condition ready for allowance and respectfully request prompt issuance of a Notice of Allowability. However, should there remain any further impediments to the allowance of this Application that might be resolved by a telephone conference, the Examiner is respectfully requested to contact the Applicant's undersigned representative at the indicated telephone number.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: March 31, 2008

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